UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

Case 1:01-cv-12257-PBS

State of Arizona v. Abbott Labs., Inc., et al., Cause No. 1:06-CV-11069-PBS

[PROPOSED] ORDER GRANTING MOTION FOR DISMISSAL OF BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY THERAPEUTICS NETWORK CORPORATION AND APOTHECON, INC. WITH PREJUDICE

The Motion for Dismissal of Bristol-Myers Squibb Company, Oncology Therapeutics Network Corporation and Apothecon, Inc. with Prejudice is hereby GRANTED.

Defendants Bristol-Myers Squibb Company, Oncology Therapeutics Network Corporation and Apothecon, Inc. (collectively referred to as "BMS" or the "BMS Group") are hereby dismissed from the above-referenced action.

The parties shall each bear their own costs.

This dismissal has no effect on the State of Arizona's claims or allegations against any parties other than the BMS Group.

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SO ORDERED this Zeay of Syptem, 2009.

HON. PATTI B. SARIS, USDJ

CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 16th day of September, 2009.

By s/ Steve W. Berman
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